

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	No. 10 CR 1052
v.	)	
	)	Honorable Virginia M. Kendall
LEO STOLLER	)	

GOVERNMENT'S UNOPPOSED MOTION FOR  
MUTUAL EARLY RETURN OF TRIAL SUBPOENAS

The United States of America, by and through its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, hereby moves unopposed for an order allowing the early return of trial subpoenas in the above-captioned matter. In support of this motion, the government states as follows:

1. The Court has scheduled the trial of the above-captioned matter to begin on January 9, 2012.

2. The government intends to serve multiple witnesses with a trial subpoena compelling such witnesses to appear at the defendant's trial to testify and produce various books, papers, documents, data or other records or objects.

3. Federal Rules of Criminal Procedure 17(c)(1) explicitly provides, in pertinent part, as follows:

A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

4. In order to foster a more efficient trial, the government now moves, pursuant to Rule 17(c)(1), for an order allowing both parties to require the early return of any "books,

papers, documents, data, or other objects” within the meaning of Rule 17(c)(1). In making this motion, the government is mindful of the limited scope and purposes of Rule 17(c)(1), *see United States v. Nixon*, 418 U.S. 683, 698 (1974) (noting that Rule 17(c) subpoenas are “not intended to provide a means of discovery for criminal cases”), and believes that both parties will act in good faith in issuing subpoenas under Rule 17(c).

5. The government further requests that this Court order that each party who receives items pursuant to an early return subpoena both promptly (a) notify the opposing party about the receipt of such items, and (b) make such items reasonably available to the other party for inspection and/or copying.

6. Counsel for defendant, John F. Murphy, has informed the undersigned that he has no objection to the granting of this motion.

WHEREFORE, the government requests that this motion be granted.

Respectfully submitted,

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